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10/539,118	06/26/2006	Yukihisa Yamashina	116692008200	8983
25227 7590 09/30/2008 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER BORSETTL, GREG				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,118

**Applicant(s)**

YAMASHINA, YUKIHISA

**Examiner**

GREG A. BORSETTI

**Art Unit**

2626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-5, 7, 9-11 are pending.
2. Claims 6 and 8 have been canceled.
3. The objections for reference symbols have been withdrawn.
4. The 35 USC 112 2<sup>nd</sup> rejections have been withdrawn.

***Information Disclosure Statement***

5. The Information Disclosure Statement (IDS) submitted on 6/26/2006 is in compliance with the provisions of 37 CFR 1.97.

***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are not persuasive.
7. Applicant argues ("the examiner concedes that Kaji fails to disclose draft translations..." (Remarks, Page 13, ¶ 2)) The examiner respectfully disagrees. As is shown in the rejection of claim 1, Kaji teaches the use of draft translations in the development of candidate translation pairs which can then be later modified by the user. The argument is not persuasive.
8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Brown fails to disclose outputting the sentence alignments to a translator terminal...) are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., The examiner presents no evidence that Brown outputs the alignment scores to a translator terminal, or that the alignment scores provide an indication of whether translation or proofreading are required." (Remarks, Page 13, ¶ 3)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Applicant argues ("D'Agostini does not disclose a combination including a separate translator terminal and proofreader terminal" (Remarks, Page 14, ¶ 3)) D'Agostini provides the receipt of an automatic translation for post-editing. Brown provides that this is done in a distributed environment where the terminals would be separate. The argument is not persuasive.

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. the use of indications to distinguish texts that require translation or proofreading or both." (Remarks, Page 14, ¶ 3)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. New art has been provided to teach the newly amended claims.

***Specification***

13. The disclosure is objected to because of the following informalities:
- a. Page 12, ¶ 6. The word "scheme" is misspelled.
  - b. Page 15, ¶ 5. Numerals 75 and 76 are out of order for how they are represented in Fig. 10. Appropriate correction is required.

***Claim Objections***

14. Claim 10 is objected to because of the following informalities: A semicolon should be used instead of a comma after the word "respectively". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

15. Claim 11 of the claimed invention is directed to non-statutory subject matter. Claim 11 refers to a computer readable recording medium, where the specification, Page 21, describes the medium as comprising a carrier wave. (Page 21, line 13). The program is recited as existing on the recording medium and is further disclosed to possibly be distributed on a carrier wave. Thus, the recording medium could be a carrier wave which does not fulfill the statutory requirements of 35 USC 101. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

16. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood how the proofread translation can be output to the proofreader terminal because there is no proofread translation prior to being output to the proofreader terminal. Appropriate correction is required. For the purposes of examination, the proofread translation will be interpreted as the source text.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji (US Patent #5408410) in view of Davis et al. (US Pre-Grant Publication #20020157084 hereinafter Davis).

As per claim 1, Kaji teaches the translation support system comprising:

A first memory which stores a plurality of text elements corresponding to sentences of original text to be translated; (Kaji, column 6, lines 32-51,

...*morphological analysis 13a, a syntactic analysis 13b*... a morphological analysis requires parsing. Furthermore, Fig. 7a shows that the words are parsed and stored.)

a draft-translation producing section for reading out from said first memory, the text elements stored therein, and producing draft translations for the text elements based on the past- translation data; (Kaji, column 13, lines 44-55 ,  
...*However, as shown in FIG. 25, to implement the present invention, the first translated sentence 244 generated from the machine translation system may be post-edited (251) by a human operator to employ the obtained sentence as the second translated sentence 241*..., if there is a need to be post-edited, the initial machine translation can be interpreted as a draft translation.)

a second memory which stores, in association with each of the text elements stored in said first memory, the draft translations produced by said draft-translation producing section; (Kaji, column 13, lines 44-55 , ...*However, as shown in FIG. 25, to implement the present invention, the first translated sentence 244 generated from the machine translation system may be post-edited (251) by a human operator to employ the obtained sentence as the second translated sentence 241*..., if there is a need to be post-edited, the initial translation can be interpreted as a draft translation. Furthermore, this information would inherently be stored in a memory because Kaji operates in a computer environment.)

a determining section for determining, based on the draft translations, whether or not the text elements stored in said first memory require translation and proofreading

(Kaji, column 11, lines 28-44, ...*a phrase's weight table and a demerit mark table are referenced...* quality of translation is observed where it would have been obvious to someone of ordinary skill in the art at the time of the invention that a low quality of translation would require human post-editing/proofreading.)

a translation receiving section for receiving, from said translator terminal, translations for the text elements that have been determined to require translation and proofreading, wherein said translations are supplied by said translator terminal in response to the translator inputting to the translator terminal, wherein the translation of said text elements is based on the draft-translation information; (Kaji, Fig. 25, column 13, lines 44-55, ...*post-edited (251) by a human operator...*)

a third memory which stores, in association with the text elements stored in said first memory, the translations received by said translation receiving section; (Kaji, column 13, lines 44-55, if a human operator can post-edit the translations, they inherently have to be stored in a memory because Kaji operates in a computer environment.)

Kaji fails to teach, but Davis teaches:

a past-translation data storing section which stores past-translation data comprising previously translated text elements and corresponding proofread translations, wherein the previously translated text elements and corresponding proofread translations are stored in association with each other; (Davis, Fig.



20, the user can modify the files and they are used to update the translation file which is stored for later use.)

a draft-translation outputting section for outputting, to the translator terminal, draft- translation information including text elements read out from said first memory, draft translations of said text elements read out from said second memory, and an indication, for each text element, of whether or not the text element requires translation and proofreading; (Davis, ¶ 0062 - ¶ 0063, *...the source and translation windows 74 and 76 are displayed side-by-side... one embodiment, the source window 74 icons include a red octagon for an error situation, a yellow diamond for a warning situation, a green square for an efficiency situation, and a green arrow for a linkage situation... Davis provides an indication process for incorrect translations. It would have been obvious to someone of ordinary skill in the art that for the translation terminal, mismatched interpretation problems would be presented to the user.*)

a proofread-translation receiving section for receiving, from said proofreader terminal, proofread translations supplied by said proofreader terminal in response to inputs provided by the proofreader, the proofread translations being based on the translation information output to the proofreader terminal; (Davis, ¶ 0062 - ¶ 0063, *...the source and translation windows 74 and 76 are displayed side-by-side... one embodiment, the source window 74 icons include a red octagon for an error situation, a yellow diamond for a warning situation, a green square for an efficiency situation, and a green arrow for a linkage situation... Davis provides an indication process for incorrect translations. It would have been obvious to someone of ordinary skill in the art that for*

the proofreading terminal, language problems in the target language would be presented to the user.)

wherein said past-translation data storing section stores, in association with each other, the text elements and the proofread translations received by said proofread-translation receiving section (Davis, Fig. 20, the user can modify the files and they are used to update the translation file which is stored for later use.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Davis with the Kaji device because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Kaji provides a method for amending translations while Davis provides a remote proofreading GUI. The combination of Davis with the Kaji device would have been obvious to someone of ordinary skill in the art at the time of the invention because they are in the same field of endeavor and would provide the advantage of "the interactive translation system and method combine static translation with an interactive environment in order to provide both accurate and efficient translations with minimal user intervention" (Davis, ¶ 0005).

As per claim 7, claim 1 is incorporated and Kaji teaches:

a fifth memory which stores a draft translation determined not to require translation or proofreading (Kaji, column 11, lines 28-44, ...a phrase's

weight table and a demerit mark table are referenced... quality of translation is observed where it would have been obvious to someone of ordinary skill in the art at the time of the invention that a high quality of translation would not require human post-editing/proofreading. Furthermore, column 12, lines 58-68, The text file 34 in Kaji stores the machine (draft) translations. Therefore, if the machine (draft) translation is evaluated as in Fig. 6 and proven to be of high quality, no proofreading would be needed and it would still be stored in text file 34.)

As per claim 9, claim 1 is incorporated and Kaji teaches:

a text analyzing section for analyzing and dividing the original text into the plurality of text elements and storing the text elements in said first memory;  
(Kaji, column 6, lines 32-51, ...morphological analysis 13a, a syntactic analysis 13b... a morphological analysis requires parsing which divides the original text into a plurality of elements. They are inherently stored in the computer system of Kaji.)

Kaji fails to fully teach, but Davis teaches:

wherein said translation outputting section reads out and outputs a source text preceding and/or succeeding a translation input by the translator and having a predetermined number of text elements stored in said past-translation data storing section, together with the translation, to said proofreader terminal  
(Kaji, column 13, lines 44-55 , ...*However, as shown in FIG. 25, to implement the present invention, the first translated sentence 244 generated from the machine*

*translation system may be post-edited (251) by a human operator to employ the obtained sentence as the second translated sentence 241..., machine translation requires training and comparison and in Kaji, there is a bilingual dictionary which is past-translation data. Davis, ¶ 0062, ...the source and translation windows 74 and 76 are displayed side-by-side to allow simultaneous viewing of the source and translation elements 86 and 88..., teaches that the source text and translations are output in the same viewing area where the source text can be proofread/edited dynamically subsequent to the initial output to the terminal.)*

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Davis with the Kaji device because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Kaji provides a method for amending translations while Davis provides a remote proofreading GUI. The combination of Davis with the Kaji device would have been obvious to someone of ordinary skill in the art at the time of the invention because they are in the same field of endeavor and would provide the advantage of "the interactive translation system and method combine static translation with an interactive environment in order to provide both accurate and efficient translations with minimal user intervention" (Davis, ¶ 0005).

Claim 11 is rejected for the same reasons as claim 1. The additional limitation of a computer readable recording medium is found in Kaji, claim 27, where a computer is recited. It is inherent that said computer needs to be programmed to perform the methods as disclosed.

18. Claims 2-5, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji (US Patent #5408410) in view of Davis et al. (US Pre-Grant Publication #20020157084 hereinafter Davis) and further in view of D'Agostini (US Pre-Grant Publication #20030040900)

As per claim 2, claim 1 is incorporated and Kaji teaches:

a text analyzing section for analyzing and dividing the original text into a plurality of text elements and storing them in said first memory; (Kaji, column 6, lines 32-51, ...morphological analysis 13a, a syntactic analysis 13b... a morphological analysis requires parsing which divides the original text into a plurality of elements. They are inherently stored in the computer system of Kaji.)

Kaji and Davis fail to teach, but D'Agostini teaches:

a translation counting section for counting the number of text elements of the translation stored in said third memory; and (D'Agostini, ¶ 0247, ...*the word counting*... D'Agostini teaches the use of a GUI where a word counting option is

available on the control bar. It would have been obvious to someone of ordinary skill in the art that this control bar would be available in any editable text window.)

an outputting section for outputting the number of text elements counted by said translation counting section to said translator terminal (D'Agostini, Figs. 1-23, the window GUI is shown in the Figures.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to try the combination of D'Agostini with the Kaji and Davis device to improve ease of use because "the main purpose of the present invention is to use the automatic or interactive-semiautomatic computer translation but with strong reduction of the translation time and with the maximum obtainable quality with the intervention of the same skilled-operator." (D'Agostini, ¶ 0126)

As per claim 3, claim 1 is incorporated and Kaji teaches:

a text analyzing section for analyzing the original text, dividing it into a plurality of text elements and storing them in said first memory (Kaji, column 6, lines 32-51, ...morphological analysis 13a, a syntactic analysis 13b... a morphological analysis requires parsing which divides the original text into a plurality of elements. They are inherently stored in the computer system of Kaji.)

Kaji and Davis fail to teach, but D'Agostini teaches:

a draft-translation counting section for counting the number of text elements of the draft translation stored in said second memory; and (D'Agostini, ¶ 0247,

...the word counting... D'Agostini teaches the use of a GUI where a word counting option is available on the control bar. It would have been obvious to someone of ordinary skill in the art that this control bar would be available in any editable text window.)

an outputting section for outputting the number of text elements counted by said draft-translation counting section to said translator terminal; (D'Agostini, Figs. 1-23, the window GUI is shown in the Figures.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to try the combination of D'Agostini with the Kaji and Davis device to improve ease of use because "the main purpose of the present invention is to use the automatic or interactive-semiautomatic computer translation but with strong reduction of the translation time and with the maximum obtainable quality with the intervention of the same skilled-operator." (D'Agostini, ¶ 0126)

As per claim 4, claim 1 is incorporated and Kaji teaches:

a text analyzing section for analyzing the original text, dividing it into a plurality of text elements and storing them in said first memory (Kaji, column 6, lines 32-51, ...morphological analysis 13a, a syntactic analysis 13b... a morphological analysis requires parsing which divides the original text into a plurality of elements. They are inherently stored in the computer system of Kaji.)

Kaji and Davis fail to teach, but D'Agostini teaches:

a proofread-translation counting section for counting the number of text elements of the proofread translation stored in said past-translation data storing section; and (D'Agostini, ¶ 0247, ...*the word counting*... D'Agostini teaches the use of a GUI where a word counting option is available on the control bar. It would have been obvious to someone of ordinary skill in the art that this control bar would be available in any editable text window.)

an outputting section for outputting the number of text elements counted by said proofread-translation counting section to said proofreader terminal; (D'Agostini, Figs. 1-23, the window GUI is shown in the Figures.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to try the combination of D'Agostini with the Kaji and Davis device to improve ease of use because "the main purpose of the present invention is to use the automatic or interactive-semiautomatic computer translation but with strong reduction of the translation time and with the maximum obtainable quality with the intervention of the same skilled-operator." (D'Agostini, ¶ 0126)

As per claim 5, claim 1 is incorporated and Kaji teaches:

a text analyzing section for analyzing the original text, dividing it into a plurality of text elements and storing them in said first memory (Kaji, column 6, lines 32-51, ...morphological analysis 13a, a syntactic analysis 13b... a morphological analysis requires parsing which divides the original text into a plurality of elements. They are inherently stored in the computer system of Kaji.)



Kaji and Davis fail to teach, but D'Agostini teaches:

a translation counting section for counting the number of text elements of the translation stored in said third memory; and (D'Agostini, ¶ 0247, ...*the word counting...* D'Agostini teaches the use of a GUI where a word counting option is available on the control bar. It would have been obvious to someone of ordinary skill in the art that this control bar would be available in any editable text window.)

an outputting section for outputting the number of text elements counted by said translation counting section to said proofreader terminal; (D'Agostini, Figs. 1-23, the window GUI is shown in the Figures.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to try the combination of D'Agostini with the Kaji and Davis device to improve ease of use because "the main purpose of the present invention is to use the automatic or interactive-semiautomatic computer translation but with strong reduction of the translation time and with the maximum obtainable quality with the intervention of the same skilled-operator." (D'Agostini, ¶ 0126)

As per claim 10, Kaji and Davis fail to teach, but D'Agostini teaches:

a color information storing section for storing color-designating information designating display colors of an original text, a draft translation, a translation inputted by the translator and a proofread translation inputted by the proofreader, respectively;

(D'Agostini, ¶ 0169, ...*the system provides automatically the conversion of their writing in bold or italic or different color...*It would have been obvious to someone of ordinary skill in the art at the time of the invention that the colors could be used to differentiate the translation texts. The color schemes would inherently be stored in memory.)

wherein said translation outputting section is one for instructing said translator terminal and/or said proofreader terminal to output the original text, the draft translation, the translation inputted by the translator, and the proofread translation inputted by the proofreader, in accordance with the color designating information stored in said color information storing section (D'Agostini, ¶ 0169, ...*the system provides automatically the conversion of their writing in bold or italic or different color...*It would have been obvious to someone of ordinary skill in the art at the time of the invention that the colors could be used to differentiate the translation texts. The color schemes would inherently be stored in memory.)

### **Conclusion**

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to PTO-892, Notice of References Cited for a listing of analogous art.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG A. BORSETTI whose telephone number is

(571)270-3885. The examiner can normally be reached on Monday - Thursday (8am - 5pm Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHEMOND DORVIL can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg A. Borsetti/  
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/  
Primary Examiner, Art Unit 2626

9/25/2008